

Hon. Mr. COTE: That is not the effect of the section. The effect is that the man shall not be allowed to plead his own turpitude as a defence.

Hon. Mr. PARENT: That is not what the law says.

Hon. Mr. COTE: That is exactly what it says.

Hon. Mr. PARENT: The words here are:

Proof that a girl has on previous occasions had illicit connection with the accused shall not be deemed to be evidence that she was not of previously chaste character.

Hon. Mr. COTE: It is "illicit connection with the accused." That is turpitude of the accused, and he should not be allowed to set that up as a defence.

Hon. Mr. PARENT: A girl can accuse a man, and the fact that she has on previous occasions had illicit connection with him shall not be deemed to be evidence that she was not of previously chaste character. For the protection of our citizens generally, of both sexes, I think that such a law should not be passed.

Hon. Mr. DANDURAND: I believe my honourable friend does not realize that this is to prevent the accused from pleading that she was of previously unchaste character because of having had illicit connection with him on previous occasions. I am not inclined to be much disturbed by this section.

Hon. Mr. FAUTEUX: But no distinction is made as to whether the previous occasions were two days or two years prior to the date of the act charged. A girl could easily blackmail a man, if we passed such a section. Surely if a girl has been having illicit relations with the accused for two years she should be deemed to have given sufficient consent.

Right Hon. Mr. MEIGHEN: As I understand the matter, consent does not enter into the case at all. I have not the Act before me, but I feel the crime provided against is one in which consent is not a factor. Indeed the amendment must be dealing with a case where consent is assumed, because otherwise the previous character would not matter. An allegation as to previous character is important only where, as in cases of seduction, it is not charged that the act was done against consent. Is the accused man to be allowed to set up that the girl was of previously unchaste character because she had not been chaste with him a year before?

As the honourable senator from Ottawa East (Hon. Mr. Coté) asks, would that not be allowing the man to plead his own turpitude in his own defence?

Section 9 was agreed to.

Section 10 was agreed to.

On section 11—used, reconditioned or rebuilt goods or things:

Right Hon. Mr. MEIGHEN: This section reads:

Every one is guilty of an indictable offence who sells, exposes or has in his possession for sale, or who advertises for sale any goods or things which have been used, reconditioned, rebuilt or remade, and which bear the duly registered trade mark or the trade name of any other person who owns or is entitled to use such trade mark or trade name, unless full disclosure is made that such goods or things have been so used, reconditioned, rebuilt or remade for sale, and that they are not then in the condition in which they were originally made or produced.

I presume this is to cover such a case as where a man takes a Ford car which is out of condition, but which bears a trade name or trade mark, puts it into shape by the use of considerable materials and sells it, still bearing the Ford name, without disclosing that the car is not in the condition in which it was originally produced.

Right Hon. Mr. GRAHAM: Should that be a crime?

Right Hon. Mr. MEIGHEN: Not to recondition it, but to offer it as a genuine article of that name when it is nothing of the kind.

Hon. Mr. MURDOCK: What about turning back the speedometer on a car to show ten or fifteen thousand miles when as a matter of fact the car has gone perhaps thirty-five thousand miles? I am told that sort of thing is a common practice.

Right Hon. Mr. MEIGHEN: I am told it is. However, that is covered by the present law, for any man who does such a thing makes a false representation, and on conviction may be sent to the penitentiary.

Hon. Mr. MacARTHUR: It is a case of caveat emptor—let the buyer beware.

Right Hon. Mr. GRAHAM: It is an argument against buying second-hand cars. Is there any danger that in yielding to representations which are received from time to time we may go too far and make the criminal law apply to cases that should be nothing more than causes of action for damages?